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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,132	03/26/2001	Atsushi Yoshida	1095.1177	5890

21171 7590 10/31/2006

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EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/816,132	YOSHIDA ET AL.	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,18, 20, 22 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,18,20,22 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on August 21, 2006.

2. Claims 1-3, 18, 20, 22 and 23 are presented for examination.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC 112

4. Claims 1-10 and 16-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim language in the following claims is not clearly understood:

i. As per claim 1, lines 1-9, it is indefinite what will happen if the load information indicates that the load of said server devices "equal" to a predetermined threshold?

ii. As per claim 18, lines 1-7, it has the same problem as claim 1 above.

Claim Rejections - 35 USC 103

5. Claims 1-3, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft et al. (hereinafter Kraft), US 6,832,239, in view of Motoyama et al. (hereinafter Motoyama), US 6,581,092.

6. As per claims 1 and 18, Kraft teaches the invention substantially as claimed comprising:

receiving a service request from a user (col. 5, lines 60-63);

obtaining load information of a plurality of server devices from a device managing the load of each server device (col. 6, lines 17-22); (note that file server means a plurality of servers, col. 14, line 66-col. 15, line 2)

processing the service request received from the user at one of the server devices to obtain an immediately processed result (col. 6, lines 32-38);

returning the immediately processed result to the user if the load information indicates that the load of said one of the server devices is not higher than a predetermined threshold (col. 5, lines 29-32; col. 6, lines 32-38);

adding the service request received from the user to a queue of pending service requests if the load information indicates that the load of every server device is higher than the predetermined threshold (col. 6, lines 39-52);

processing one of the pending service requests in the queue to obtain a postponed result (col. 7, line 65-col. 8, line 9); and

returning the postponed result to a requesting user of said one of the pending service requests (fig. 3; col. 8, lines 6-9).

7. Kraft does not explicitly teach with or without using electronic mail. Motoyama teaches returning data to a user by electronic mail or without using electronic mail (col. 3, lines 49-57; fig. 15; col. 16, line 46-col. 17, line 33; col. 23, lines 19-27; col. 25, lines 15-19);

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kraft and Motoyama because Motoyama's teaching of returning data to a user by electronic mail or without using electronic mail would enhance Kraft's system by allowing data to be returned to the user directly without using electronic mail, hence minimizing waiting time for the user.

9. As per claims 2 and 20, Kraft and Motoyama teach the invention substantially as claimed in claims 1 and 18 above. Kraft further teach sending a process delay notification to the user when the service request received from the user is added to the queue as a new pending service request (col. 6, lines 39-55).

10. As per claim 3, Kraft and Motoyama teach the invention substantially as claimed in claim 1 above. Kraft further teach processing of one of the pending service requests is performed by one of the server devices if the load information indicates that the load of said one of the server devices is not higher than the predetermined threshold (fig. 3c; col. 7, line 50-col. 8, line 9).

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft and Motoyama, in view of HweeHwa et al. (Load Sharing in Distributed Multimedia-on-Demand Systems), IEEE, v12, No. 3, May/June 2000, hereinafter "HweeHwa").

12. As per claim 22, Kraft and Motoyama teach the invention substantially as claimed in claim 18 above. Kraft and Motoyama do not teach content storage device storing identical content kept synchronized with each other. HweeHwa teaches respective content storage devices for storing identical content kept synchronized with each other (introduction, page 410, right column, 2nd paragraph, where objects are replicated; and fig. 1).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kraft, Motoyama, and HweeHwa because HweeHwa's teaching of devices storing identical content would minimize the response time in Kraft's and Motoyama's systems by allow data to be retrieved from alternative servers depending on the load level.

14. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft, Motoyama, and HweeHwa in view of "Official Notice".

15. As per claim 23, Kraft, Motoyama, and HweeHwa do not explicitly teach the content is synchronized by transmitting/receiving a differential updates. However, synchronizing content n different servers is well known in the art including transmitting/receiving a differential updated content. Official notice is taken that both the concept and advantages of transmitting/receiving a

differential in updated content is well known and expected in the art. It would have been obvious to one skilled in the art at the time of the invention to use such method in synchronizing content in different servers in order to reduce the load on the system during a synchronization process.

16. Applicant's arguments with respect to claims 1-10 and 16-33 have been considered but are moot in view of new ground(s) of rejection.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit

can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Lee

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER